IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 622 OF 2005

IN

WRIT PETITION NO. 5149 OF 2001

Tukaram Vishnu Paygan ..Applicant.

V/s.

Director of Municipal Administration,
Maharashtra State, Mumbai & Ors. ..Respondents.

Shri S.G. Kudle for the Applicant.
Shri Jayesh K.Desai i/by K.S.Bapat for Respondent No.2.
Shri V.B. Rajure for Respondent No.5.

CORAM : S.B.MHASE & D.B.BHOSALE, JJ.
DATED : APRIL 28, 2005

PC :-

1. Heard Shri Kudle, learned counsel for the Applicant and Shri Jayesh Desai i/by Shri K.S. Bapat for the Municipal Council. Shri Rajure for Respondent No.5.

2. The post of Sanitary Inspector is vacant, which is being filled in during the pendency of this petition. The petition is already admitted. However, by this Civil Application, the learned counsel for the Applicant submits that since the Applicant has

completed the training for Sanitary Inspector, he shall be considered for appointment on the post of Sanitary Inspector on promotion. The issue whether the said post of Sanitary Inspector is promotional or not is the matter to be considered at the time of final hearing. Therefore, at this stage the final relief cannot be granted. However, we make it clear that the appointments made by the Municipal Council on the post of Sanitary Inspector, since the date of filing of this civil application, are subject to the out come of the writ petition.

3. We further direct Shri Kudle that in case any such appointment is made, such appointed candidate be joined as a party.

4. C.A. is disposed of.

(D.B. BHOSALE,J) (S.B.MHASE, J)

lg/spb/ .....